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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,394	04/08/2004	Stefan Boss	LBP-PT037	8453

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,394	<b>Applicant(s)</b> BOSS ET AL.	
	<b>Examiner</b> Ghassem Alie	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 7, 8, and 9 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1, 2, 4 and 7-9 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 03/07/08 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the forward saw blade guide and the rearward saw blade guide each with a plurality of interchangeable plates having different spacing between the contact surfaces and the drive shaft as set forth in claims 1, 4, and 7 and 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to under 37 CFR 1.84(h)(5) because Figures 1 and 2 show(s) modified forms of construction in the same view.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 1, 2, and 7 are objected to because of the following informalities: “ it is one of removable from or pivotal away from the saw blade” should be --“ it is one of removable from and pivotal away from the saw blade-- and “the rearward (4)” should be --the rearward saw blade guide (4)--. See claim 1, lines 9 and 10, claim 7, lines 8 and 9, and claim 2, line 2. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2, 4, and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 7, “forward guide saw blade (5) is selectable from a plurality of interchangeable plates having different spacings between the contact surfaces (6) and the drive shaft or the contact surfaces (6) of at least one of the saw blade guides that is pivotable” is confusing. It is not clear whether the removable blade guide has a plurality of interchangeable plates or the pivotal away blade guide has a plurality of the interchangeable plates. It appears that claims 1 and 7 set forth two distinct species and it is not clear what specific features belong to each species. It is not clear whether the blade guide that is pivotal is selected from a plurality of interchangeable plates or the removable blade guide is selected from a plurality of interchangeable plates. Regarding claim 2, “ a distance

between the rearward (4) and the forward saw blade guide (5) is adjustable for matching to different thickness of the saw blade” is also confusing. It is not clear whether the rearward and forward saw blade guides belong to the species having a removable saw blade guides or belong to the species having a pivoting saw blade guide as set forth in claim 1. Regarding claim 4, “wherein the rear saw blade guide (4) is at least partially selectable from a plurality of interchangeable plates” is confusing. It is not clear how the rear saw blade guide could be partially selected from a plurality of the interchangeable plates. Is the rear saw blade guide partially replaceable? It is also not clear which one of the two species in claim 1 corresponds to the rear saw blade guide of claim 4. Regarding claims 8 and 9, it is not clear which one of the two species in claim 1 corresponds to the forward blade guide and a spacer (9) in claims 8 and 9.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pleau et al. (5,213,020), hereinafter Pleau, in view of Phelps (6,128,994). Regarding claims 1 and 7, Pleau teaches a circular saw machine A including a saw blade 10 and a drive shaft 11 to which saw blade 10 is removably and interchangeably mounted and at least one rearward 43 and at least one forward saw blade guide 44 that contact two side surfaces of saw blade 10. Pleau also teaches that saw blade guides 43, 44 respectively have at

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least one contact surface 50 to be abutted on the respective side surface of saw blade 10, and for sawing, drive shaft 11 with the blade thereon is rotated in drive housing. The drive housing is defined by a base structure 17 which includes block bearings 13, 14 and a motor M. Shaft is located within the block bearings of the drive housing. Pleau also teaches that forward saw blade guide 44 is connected to the drive housing so it is removable from saw blade 10. Pleau also teaches that the radial distance between contact surfaces 50 of saw blade guides 43, 44 is respectively adjustable in predetermined defined positions for matching different diameter of saw blades. Pleau also teaches that the blade guides are inherently selectable from a plurality of interchangeable plates. See Figs. 1-5 and col. 4, lines 5-60 and col. 7, lines 5-64 in Pleau. Pleau does not teach that the drive housing is arranged for back and forth movement in a rotation plane of the blade. Pleau teaches that the drive housing, which is connected to the blade, is stationary and the log moves toward the blade. However, the use of blade connected to a drive housing that moves back and forth with respect to a workpiece is well known in the art such as taught by Phelps. Phelps teaches a circular blade 7 having a drive shaft rotated in a drive housing 40 that is arranged to move back and forth in a rotation plane of blade 7. See Fig. 1 in Phelps. It would have been obvious to a person of ordinary skill in the art to arranged Pleau's drive housing for back and forth movement in rotation plane of the blade as taught by Phelps, since the back and forth movement of the drive housing with respect to the stationary workpiece produces the same result as back and forth movement of the workpiece with respect to the stationary drive housing.

***Comment***

8. It should be noted that there are two distinct structures or species claimed in the independent claims 1 and 7. However, only one of the distinct structure or species needs to be examined. The limitations in the dependent claim 2, 4, 8, and 9 do not further limit structure or the species that is examined in the independent claims 1 and 7 above. Therefore, claims 2, 4, 8, and 9 cannot be examined.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Auger (2005/0072284) teaches a circular saw machine including saw blade guides which is pivotable away from the saw blade. It should be noted that this reference in combination with another reference that teaches a drive housing moving back and forth with respect to a workpiece read on independent claims 1 and 7.

Salmonsson (4,563,928), Orendi (3,828,642), Pearson (3,703,915), Claassen (3,961,548), Wincox, deceased (3,918,334), and Smith (3,828,635) teach a circular saw machine including saw blade guides.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



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May 25, 2005



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